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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,040	12/30/2003	Mark Verdi	SMS920010002-US2	6766
7590 05/31/2005			EXAMINER	
Anne Vachon Dougherty 3173 Cedar Road Yorktown Heights, NY 10598			HECK, MICHAEL C	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/748,040

Applicant(s)

VERDI ET AL.

Examiner

Michael C. Heck

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 11 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11, 14-16, 18 and 20-26 is/are rejected.
- 7) ☒ Claim(s) 13, 17, 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

EA

### DETAILED ACTION

1. The following is a First Office Action in response to the application filed 30 December 2003. Claims 1, 11 and 13-26 are pending in this application and have been examined on the merits as discussed below. The Examiner notes this application is a Divisional Application of 09/522,162.

#### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Figure 2, item 170. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### *Specification*

3. The disclosure is objected to because of the following informalities:
- On page 3, line 3, delete, "on-time consulting", and insert -- **on-line** consulting --.
  - On page 7, line 7, delete, "all group members 2", and insert -- all group members **6** --

The above citation is a mere guide. Applicant is requested to review the specification thoroughly to eliminate additional errors. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 23** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 is dependent to claim 1 and further limits step (a), (d) and (g) of claim 1. Claim 1, step (a) states, "establishing a predetermined group comprising more than two members", while claim 23, step (a) states, "further comprises establishing a predetermined group comprising two or more members ...". Claim 23, step (a) does not further limit claim 1, step (a) since at least one more person is added to the defined makeup of the predetermined group. For Example, claim 1, step (a) defines a predetermined group with a minimum membership of three members with no maximum level of membership, while claim 23, step (a) defines a predetermined group with a minimum membership of two members with no maximum level of membership, therefore growing the total membership of the predetermined group by at least one member. The Examiner has interpreted both claims to define a predetermined group to be two or more members.

6. **Claim 23** is also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 recites the limitation of "first analysis" and "first location" in (iii) for step (g). There is insufficient antecedent basis for this limitation

in the claim. "Analysis" is used throughout claim 1 with the terminology of a "first message" and "first query" also used. The Examiner recommends amending claim 1 to reflect a "first analysis" in steps (f) and (g). In addition, "Central location" is the claim language used throughout the claims. The Examiner recommends using "central location" in claim 23 to be consistent. The Examiner has interpreted the claims according to the recommendations.

The Examiner notes that throughout the claim "predetermined group" and "group" terminology are used interchangeably. The Examiner recommends using "predetermined group" throughout the claims to be consistent and clear.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1, 11, 15, 16, 18, 21, 22 and 24-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (U.S. Patent Application 2002/0002482) in view of Ackerman et al. (Ackerman et al., Answer Garden 2: Merging Organizational Memory with Collaborative Help, ACM conference proceedings on Computer Supported Cooperative Work, ACM Press, NY, NY, 1996, p. 97-105). Thomas discloses a computerized knowledge brokerage system comprising:

- **[Claim 1]** a) establishing a predetermined group comprising more than two members (Para 29 and 30, Thomas teaches potential survey participants register electronically via a computer if they desire to participate in surveys. Then, based on participant categories identified for a survey, participants are selected for the survey. The Examiner interprets a predetermined group to be the potential survey participants who register.);
- b) receiving at a central location over a wide-area computer network, within a predetermined first time period, a first message (Para 14, 30, 32, and 34 Thomas teaches a survey system coupled to a network where a survey requester places a request for a survey. The network can be a Wide Area Network. The survey requester is the person or organization requesting the survey.);
- c) dynamically defining a first query based on the first message received from the first member (Para 30, Thomas teaches a survey is generated when a survey requester places a request for a survey.);
- d) sending the first query from the central location to at least a portion of the predetermined group (Para 30, Thomas teaches the survey is electronically transmitted to the selected survey participants.);
- e) receiving over the wide-area computer network at the central location, within a predetermined second time period, a message from a second member of the group comprising a response to the first query (Para 30, Thomas teaches the survey participants complete the survey and have their response electronically returned.);
- f) preparing an analysis at the central location related to the first query and the response to it (Para 30, Thomas teaches survey results are determined from the response of the participants.); and
- g) sending the analysis over the wide-area computer network from the central location to the predetermined group (Para 12 and Para 34, Thomas teaches that optionally, the results are electronically distributed to a survey requestor. The survey requester can be a person or organization. The Examiner interprets that since a survey requestor can be an organization, then the results can be sent to the organization where the participants can be members of.);
- **[Claim 11]** establishing a predetermined group comprising two or more members (Para 29 and 30, Thomas teaches potential survey participants register electronically via a computer if they desire to participate in surveys. Then, based on participant categories identified for a survey, participants are

selected for the survey. The Examiner interprets a predetermined group to be the potential survey participants who register.);

- receiving at a central location over a wide-area computer network, within computer network, within a predetermined first time period, a plurality of first messages (Para 14, 30, 32 and 34, Thomas teaches a survey system coupled to a network where a survey requester places a request for a survey. The network can be a Wide Area Network. The survey requester can be a person or organization.);
- dynamically generating at least one set of queries based on at least a portion of the first messages received from the members of the predetermined group (Para 30 and 34, Thomas teaches a survey is generated when a survey requester places a request for a survey. The survey requester can be a person or organization. The examiner interprets an organization to be more than one person.);
- sending the at least one set of queries from the central location to the predetermined group (Para 30, Thomas teaches the survey is electronically transmitted to the selected survey participants.);
- receiving at the central location over the wide-area computer network, within a predetermined second time period, a plurality of second messages responsive to at least a portion of the set of queries (Para 30, Thomas teaches the survey participants complete the survey and have their response electronically returned.);
- preparing at least one analysis based on a query in the set and any corresponding responses (Para 30, Thomas teaches survey results are determined from the response of the participants.); and
- sending the analysis from the central location to the predetermined group (Para 12 and Para 34, Thomas teaches that optionally, the results are electronically distributed to a survey requestor. The survey requester can be a person or organization. The Examiner interprets that since a survey requestor can be an organization, then the results can be sent to the organization where the participants can be members of.).

Thomas fails to teach a first message from a first member of the group and a plurality of first messages from members of the predetermined group. Ackerman et al. teach collaborative help to denote those help systems that use people as information sources.

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Providing help from other people – such as colleagues on the same hall or other group members – allows people to seek help from the people most likely to know the local context (Para 34 and 36). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the feature of seeking help from colleagues with the teaching of Thomas since Thomas teaches the major reason for surveys are market research, elections, public opinions, and legal (Para 5). Sharing knowledge helps people find answers to questions. Thomas' electronic surveys can be targeted to specific categories of participants with minimal effort (Para 16). Ackerman et al.'s Answer Garden 2 allows people to seek help from the people most likely to know the local context (Para 36). Both Thomas and Ackerman et al. seek knowledge from a targeted population. Therefore, seeking knowledge from a targeted population allows them to share knowledge so people can find answers to questions. The combination of Thomas and Ackerman et al. teach all the limitation of claim 1 as indicated above, therefore, there is motivation to combine.

- **[Claim 21]** wherein step (d) further comprises sending the first query to the predetermined group (Thomas: Para 30, Thomas teaches the survey is electronically transmitted to the selected survey participants.).
- **[Claim 22]** the step of storing the first analysis in the central location such that it is accessible to members of the predetermined group (Ackerman et al.: Para 14, Ackerman et al. teach Answer Garden supports organizational memory in two way: by making recorded knowledge accessible and by making individuals with knowledge accessible.).
- **[Claim 24]** wherein the identity of the first member is kept anonymous (Ackerman et al.: Para 27, Ackerman et al. teach users of the system can send their questions anonymously.).



- **[Claim 25]** wherein the identity of the second member is kept anonymous (Ackerman et al.: Para 27, Ackerman et al. teach the experts answering the questions can also be anonymous.).
- **[Claim 26]** wherein the identities of the members of the predetermined group are kept anonymous (Ackerman et al.: Para 27, Ackerman et al. teach users of the system can send their questions anonymously and the experts answering the questions can also be anonymous.).

**Claims 15, 16 and 18** substantially recite the same limitations as that of claims 21, 22 and 26 with the distinction of the recited method being another method. Hence the same rejection for claims 21, 22 and 26 as applied above applies to claims 15, 16 and 18.

9. **Claims 14 and 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (U.S. Pat Appl. 2002/0002482) in view of Ackerman et al. (Ackerman et al., Answer Garden 2: Merging Organizational Memory with Collaborative Help, ACM conference proceedings on Computer Supported Cooperative Work, ACM Press, NY, NY, 1996, p. 97-105), as applied to claim 1. As to **Claim 20**, Thomas and Ackerman et al. disclose a computerized knowledge brokerage system but fail to teach the step of submitting the first query from the central location to the first member for approval before sending the first query from the central location to the portion of the group. The examiner takes official notice that it is old and well known in the surveying art to have the requester of the survey review the survey details before authorizing it to be distributed to a predefined group. For example, it is common to have a marketing research consulting company generate a survey then review the survey with their client

to ensure the survey collects the information that meets the goal of the business requesting the information. In addition, some electronic survey companies have the survey requestor interactively involved in the process of creating the survey, which means the requester is reviewing the survey at the same time it is being generated. In this manner, time and resources are reduced and the objectives would be quickly met. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the approval process to ensure the query meets the objectives of the requestor of the information.

**Claims 14** substantially recite the same limitations as that of claims 20 with the distinction of the recited method being another method. Hence the same rejection for claims 20 as applied above applies to claims 14.

#### ***Allowable Subject Matter***

10. **Claims 13, 17 and 19** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. **Claim 23** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Falchuk et al. (U.S. Patent 6,256,613) disclose a medical consultation management system.
- Nocera (U.S. Patent 6,193,518) disclose a method for developing answer-options to issue-questions relating to child-development.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael C. Heck whose telephone number is (571) 272-6730. The Examiner can normally be reached Monday thru Friday between the hours of 8:30am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 273-6729.


Any response to this action should be mailed to:

**Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

Or faxed to:

**(703) 872-9306** [Official communications; including After Final communications labeled "**Box AF**"]

**(571) 273-6730** [Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"]

  
mch  
25 May 2005

  
**TARIQ R. HAFIZ**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**